

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-7141

EDWIN GUNN,

Petitioner - Appellant,

versus

DUNN, Warden, FCI Edgefield,

Respondent - Appellee.

Appeal from the United States District Court for the District of
South Carolina, at Charleston. C. Weston Houck, District Judge.
(CA-01-4129-9-12BG)

Submitted: September 23, 2002

Decided: October 31, 2002

Before WILLIAMS, MICHAEL, and TRAXLER, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Edwin Gunn, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Edwin Gunn seeks to appeal the district court's order dismissing Gunn's petition for writ of habeas corpus under 28 U.S.C. § 2241 (2000) without prejudice. We dismiss the appeal for lack of jurisdiction because Gunn's notice of appeal was not timely filed.

When the United States is a party, the notice of appeal must be filed no more than sixty days after the entry of the district court's final judgment or order, see Fed. R. App. P. 4(a)(1), unless the district court extends the appeal period under Fed. R. App. P. 4(a)(5) or reopens the appeal period under Fed. R. App. P. 4(a)(6). This appeal period is "mandatory and jurisdictional." Browder v. Director, Dep't of Corrections, 434 U.S. 257, 264 (1978) (quoting United States v. Robinson, 361 U.S. 220, 229 (1960)).

The district court's order was entered on the docket on February 15, 2002. Gunn's notice of appeal was filed on July 26, 2002. Because Gunn failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we dismiss the appeal. We deny Gunn's motion for release. We also deny his motion for expedited ruling as moot. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED